IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7706 OF 2007

Smt.Muktabai Antu Rhataval ....Petitioners
Versus
Krushna Ganapati Kurade and Ors. ....Respondents

Amit Borkar for the petitioners.

Coram: S.C.Dharmadhikari, J.
26.11.2007

P.C. :

1. Heard Mr.Borkar appearing for the petitioner original plaintiff. All that has been done by the Trial Court is that it has allowed production of documents which have been tendered alongwith the Affidavit-in-chief of the defendant. Needless to state that production of death extract of Kamlabai Ganu Kokitkar alongwith Affidavit-in-chief of the defendant's witnesses being exhibited causes no prejudice to the

petitioner original plaintiff who has every right to rebut this material by producing such oral and documentary evidence or by cross-examining the defendant's witnesses in that behalf.

2. Needless to state, that this observation does not mean that the petitioner plaintiff is automatically at liberty to produce witnesses or material as stated above. He will have to apply to the Trial court in that behalf. Mr.Borkar states that to the limited extent to which the defendants have been permitted to lead evidence, the plaintiff be allowed to produce witnesses to rebut and contradict the factum of parentage of the plaintiff. He restricts the liberty only to this aspect. I have no doubt in my mind that the Trial court would take this request into consideration and after hearing both sides pass appropriate orders in the interest of justice. With these clarifications, there is no reason to interfere with the impugned order. Petition dismissed.

sd/-

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